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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217708
Party	Plaintiff J.B. Marketing International, Inc.
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Submission	Request to Withdraw as Attorney
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Signature	/Tal Grinblat/
Date	06/23/2015
Attachments	Motion for Withdrawal of Representation by LHSM&H.pdf(147854 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:

J.B. MARKETING INTERNATIONAL,  
INC.,

Opposer

v.

DA VINCI  
KUNSTLERPINSELFABRIK DEFET,  
GMBH

Applicant

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**Opposition No. 91217708**

**Motion for Withdrawal of Representation  
of J.B. Marketing International, Inc. by  
Lewitt, Hackman, Shapiro, Marshall, &  
Harlan**

**I. RELIEF REQUESTED**

Lewitt, Hackman, Shapiro, Marshall, & Harlan (“Lewitt Hackman”) requests authorization to withdraw from representation of J.B. Marketing International, Inc. in this proceeding under 37 C.F.R. §§ 11.116 and 42.10(e).

**II. GOVERNING RULES**

Under 37 C.F.R. § 11.116(b)(5), “a practitioner may withdraw from representing a client if ... [t]he client fails substantially to fulfill an obligation to the practitioner regarding the practitioner’s services and has been given reasonable warning that the practitioner will withdraw unless the obligation is fulfilled...” Paragraph (c) of the Section provides that “[a] practitioner must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. “Upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client’s interests...” 37 C.F.R. § 11.116(d).

### **III. STATEMENT OF FACTS**

The grounds for Lewitt Hackman's request and the reason that authorization to withdraw should be granted are:

1. J.B. Marketing International, Inc. has failed to fulfill obligations to the practitioner regarding the practitioner's services. The failures are in the nature of communication and compensation.

2. Practitioner attempted numerous times to address and resolve these matters with J.B. Marketing International, Inc., but to no avail.

3. Practitioner notified Yakov Barka, who is Chief Executive Officer of J.B. Marketing International, Inc. of the filing of this motion prior to its filing.

4. There will be no prejudice to J.B. Marketing International, Inc., by granting this request. The proceeding is in early stages. Initial disclosures are not due until July 24, 2015.

5. Practitioner has delivered to the client all documents and property in Lewitt Hackman's file concerning the application, registration or proceeding to which the client is entitled and notified the client of any responses that may be due, and of upcoming deadlines.

Therefore, Lewitt Hackman requests that the Board authorize Lewitt Hackman's withdrawal from representation of the J.B. Marketing International, Inc. in this matter.

### **IV. WITHDRAWAL IS PERMITTED**

The facts demonstrate that Lewitt Hackman is entitled to withdraw from representation in this proceeding; and that withdrawal can be accomplished without adverse effect on the interests of J.B. Marketing International, Inc. The client has been notified that the practitioner is withdrawing and will file the necessary documents with the Office. The practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled. The practitioner has notified the client of any responses that may be due, and of upcoming deadlines.

Therefore it is respectfully requested that the Board grant this motion for withdrawal of representation of J.B. Marketing International, Inc. in this proceeding by Lewitt, Hackman, Shapiro, Marshall, & Harlan.

DATED: June 23, 2015

LEWITT, HACKMAN, SHAPIRO,  
MARSHALL & HARLAN

By: /s/ Tal Grinblat  
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**CERTIFICATE OF SERVICE**

It is hereby certified that on June 23, 2015, a copy of the foregoing MOTION FOR WITHDRAWAL OF REPRESENTATION has been sent by First Class, prepaid, United States Postal Service to da Vinci Kunstlerpinselfabrik Defet GMBH, via its attorney of record, at the address below:

Margaret Mchugh, Esq.  
Tali Alban, Esq.  
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/s/ Tal Grinblat  
Tal Grinblat